



PDC NEWS

711 Capitol Way, Room 206
Olympia Washington

Public Disclosure Commission

Mike Connelly, Chair
Susan Brady, Vice Chair
Lois Clement, Secretary
Christine Yorozu, Commissioner
Francis Martin, Commissioner

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Enforcement Matters

The Commission, finding apparent multiple violations of state statute for failure to timely report contributions and expenditures of over \$7 million received during the 2000 election, referred a civil case against the **Washington State Democratic Central Committee** (WSDCC) to the Office of the Attorney General for prosecution in Superior Court. PDC Chairman Mike Connelly said the Commission's limited civil penalty authority of up to \$2,500 for multiple violations doesn't do justice to the apparent violations.

"Once again, we don't have the penalty authority to complete this job", said Commissioner Christine Yorozu.

In a related matter, the Commission deferred action against the WSDCC for failure to forfeit \$1,010,995 in funds received from federal PACs that failed to timely file C-5 reports. State law requires that an out-of-state or federal political committee file reports (PDC form C-5) with the Commission within 10 days of receipt of a contribution by a candidate or political committee or the funds are to be forfeited to the State general fund.

The WSDCC was notified of their requirement to forfeit and informed PDC staff that they were not in the position to forfeit the funds. Commission consideration of this non-forfeiture issue is expected to occur at the October 2 meeting.

The Commission also assessed **State Representative Brad Benson** a civil penalty of \$500 for failure to file electronic reports of contributions and expenditures as required under current state law. Candidates and political committees that expended \$25,000 or more in 2001 or expect to spend \$25,000 this year are required to file campaign finance reports electronically.

Two hundred and fifty dollars of the penalty was suspended on the condition that the Benson campaign not violate the electronic filing requirements for two years.

Agency Request Legislation

The Commission authorized staff to proceed with agency request legislation asking for higher penalty authority and to increase, from 45 days to 60 business days, the time the state has to respond to a citizen's action complaint. Currently the Commission can levy civil penalties of up to \$1,000 for a single violation or \$2,500 for multiple violations of the State Public Disclosure Act. The new maximums would be \$4,000 and \$10,000, respectively, and would more closely mirror the penalty authority in place for the state's ethics boards.

Requests for Review

The Commission vacated the violation and \$100 civil penalty against Philip Anderson, School Director for Ocosta SD 172, for failure to timely file a Statement of Personal Financial Affairs and accepted his stipulated agreement of late filing and a \$50 civil penalty. The Commission let stand the violations and penalties imposed at a Brief Enforcement Hearing held on June 4, 2002, for 20 other officials who failed to timely file Statements of Personal Financial Affairs. The individuals requesting review were:

- **Kenneth Benson, City Council Member, City of Omak, \$150 civil penalty.**
- **Eric Patton, Fire Commissioner, Grays Harbor FD 05, \$100 civil penalty.**
- **Kevin Burke, Park and Recreation Commission, Lynden, \$100 civil penalty.**
- **Richard Peone, School Director, Mary Walker SD 207, \$150 civil penalty.**
- **Earnest Charvet, Fire Commissioner, Yakima Fire Protection Dist, \$100 civil penalty.**
- **Margaret St. Martin, Park and Recreation Commissioner, Naches, \$150 civil penalty.**
- **John Ely, City Council Member, City of Millwood, \$150 civil penalty.**
- **Yvonne Tate, Member, Public Employees Benefits Board, \$100 civil penalty.**
- **Jerry Flowers, Fire Commissioner, Pierce Fire Protection Dist 17, \$300 civil penalty.**
- **Larry Thompson, School Director, Dieringer SD 343, \$100 civil penalty.**
- **Larry Haskell, City Council Member, City of Airway Heights, \$150 civil penalty.**
- **Richard Thompson, School Director, Eatonville SD 404, \$100 civil penalty.**
- **Nancy Llewellyn, School Director, LaConner SD 311, \$300 civil penalty.**
- **Robert Thompson, City Council Member, City of Richland, \$150 civil penalty.**
- **David McClanahan, School Director, Odessa SD 105, \$150 civil penalty.**
- **Michele Yapp, Regent, University of Washington, \$150 civil penalty.**
- **John McGee, School Director, Olympia SD 111, \$300 civil penalty.**
- **Dorothy Yount, School Director, Woodland SD 404, \$100 civil penalty.**
- **Ed Oliphant, School Director, Onalaska SD 300, \$300 civil penalty.**
- **Geary Oliver, Hospital Commissioner, Coulee JT Hospital Dist 6, \$150 civil penalty.**

Rule Making

The Commission approved proposed amended language for four rules and deferred the adoption of formal language for a new rule until a future meeting. The amended language approved by the Commission were to the following rules:

- **Amendments WAC 390-17-100 Contribution withholding authorizations.** The Commission is proposing to amend the rule language to comply with statutory changes to RCW 42.17.680 made by the State Legislature during the last legislative session.
- **Amendments WAC 390-16-234 Transfers of Surplus Funds.** The Commission is proposing to amend rule language to update and clarify the issue of transferring surplus and non-surplus campaign funds.
- **Amendments WAC 390-17-200 Major political party organizations.** The Commission is proposing to amend rule language to require that the political parties designate one county and one legislative district party committee as the bona fide party committee.
- **Amendments WAC 390-37-030 Enforcement Procedures.** The Commission is proposing to amend rule language to clarify the rights of a complainant in a quasi-judicial enforcement hearing or other proceeding before the Commission.

The Commission deferred the adoption of formal language for a new rule relating to voluntary payroll deductions until a future meeting.

Reporting Modifications

The Commission renewed without change a reporting modification for **Douglas Schafer**, Candidate for Supreme Court Justice.

The Commission meeting materials may be found at www.pdc.wa.gov under **Commission Meetings** at **Meeting Agendas and Materials**. For additional information concerning these issues contact Doug Ellis, Director of Public Outreach, at (360) 664-2735, toll free 1-877-601-2828 or e-mail at dellis@pdc.wa.gov.